

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 18-00027-03

VERSUS

JUDGE S. MAURICE HICKS, JR.

ELVIN SHEPHERD

MAGISTRATE JUDGE WHITEHURST

MEMORANDUM ORDER

Before the Court is Defendant Elvin Shepherd's ("Shepherd") Motion for Reconsideration (Record Document 183). Shepherd seeks reconsideration of this Court's April 21, 2023 Memorandum Order denying without prejudice his Motions for Compassionate Release because he had failed to exhaust his administrative remedies.

See Record Document 182. The Court further stated:

Shepherd may re-file his motion once he has achieved one of the two avenues for exhaustion under Section 3582(c)(1)(A).

Id.

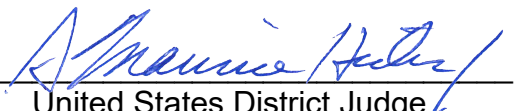
In the instant Motion for Reconsideration, Shepherd has presented evidence of exhaustion. He submitted a June 24, 2022 email to the Warden requesting compassionate release. See Record Document 183-1. Shepherd contends that there was no response to such email. See Record Document 183 at 1. Under these circumstances, Shepherd has exhausted his administrative remedies because there has been a "lapse of 30 days from the receipt of [the] request by the warden of the defendant's facility." 18 U.S.C. § 3582(c)(1)(A).

Thus, in the interests of judicial efficiency, the Motion for Reconsideration is **GRANTED**. The Clerk of Court is directed to reopen Shepherd's Motions for Compassionate Release (Record Document 170 and 178). Moreover, the Government

is directed to respond to Shepherd's motions and address whether Shepherd has presented "extraordinary and compelling reasons" under Section 3582(c)(1)(A) and whether Shepherd's release would comport with the Section 3553(a) factors. Such response shall be filed no later than **June 2, 2023**.

IT IS SO ORDERED.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 10th day of May, 2023.


United States District Judge